

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Case No. 5:22-CR-00168-M

UNITED STATES OF AMERICA,

Plaintiff,

v.

ORDER

JAELON MARKELL SCALES,

Defendant.

This matter comes before the court on an “Order” filed pro se by Defendant Jaelon Markell Scales [DE 53]. Defendant appears to challenge the constitutionality of the statute under which he was convicted, 18 U.S.C. § 922(g)(1). *See id.* The court notes that the Fourth Circuit Court of Appeals has spoken on this issue in the time since Defendant filed the pro se document. *See, e.g., United States v. Hunt*, 123 F.4th 697 (4th Cir. 2024). Nevertheless, the court construes the document as a “motion to vacate sentence and/or dismiss indictment” pursuant to 28 U.S.C. § 2255, and directs the Clerk of the Court to proceed accordingly, including to provide Defendant, along with a copy of this order, the required form on which he must submit his request for relief. *See* Local Civil Rule 81.2. Defendant shall file the completed form within thirty days after he receives it, or no later than May 30, 2025. If he fails to do so, the motion will be denied without prejudice. For any future timeliness challenges to the motion, the court will consider the filing of this motion as the date on which the pro se document was filed, September 4, 2024.

SO ORDERED this 22 day of April, 2025.


RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE